

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL CURTIS PAINTER,

Defendant.

NO: 2:15-CR-0011-TOR

PRELIMINARY ORDER OF
FORFEITURE

As the result of the guilty plea to Count 1 of the Indictment for which the Government sought forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), Defendant, MICHAEL CURTIS PAINTER, shall forfeit to the United States any and all firearms and ammunition facilitating or involved in the commission of the offense Felon in Possession of a Firearm.

The Court has determined based upon Defendant's plea agreement that the assets listed herein are subject to forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), and that the Government has established the requisite nexus between such assets and such offense:

FIREARMS/AMMUNITION

1. a Sturm and Ruger .45 caliber handgun, bearing serial number 660-71645;
2. eight rounds of ammunition head-stamped "Winchester .45 Auto";
3. six rounds of ammunition head-stamped "Hornaday 10 mm";
4. five rounds ammunition head-stamped "Winchester 10 mm auto";
5. two rounds of ammunition head-stamped "CCI 10 mm auto";
6. two rounds of ammunition head-stamped "CCI .40 S&W"; and,
7. 33 rounds of ammunition head-stamped "WIN 25 Auto."

Upon the entry of this Order, the United States Attorney General (or a designee) is authorized to seize the above-listed assets subject to forfeiture, whether held by the Defendant or by a third party, and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture, in accordance with 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(3).

Upon entry of this Order, the United States is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

Pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the United States will post notice of this order on the official

1 government internet site (www.forfeiture.gov) for at least 30 consecutive days.

2 The United States may also, to the extent practicable, provide direct written notice
3 to any person known to have alleged an interest in the property that is the subject
4 of the Preliminary Order of Forfeiture, as a substitute for posted internet notice as
5 to those persons so notified.

6 Any person, other than the above-named Defendant, asserting a legal interest
7 in the above-listed property may, within thirty (30) days of the final posting of
8 notice, or receipt of notice, whichever is earlier, petition the court for a hearing
9 without a jury to adjudicate the validity of his alleged interest in the above-listed
10 property, and for an amendment of the order of forfeiture, pursuant to Fed. R.
11 Crim. P. 32.2(6) and 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 924(d)
12 and 28 U.S.C. § 2461(c).

13 Any petition filed by a third party asserting an interest in the above-listed
14 property shall be signed by the petitioner under penalty of perjury and shall set
15 forth the nature and extent of the petitioner's right, title, or interest in said property,
16 the time and circumstances of the petitioner's acquisition of the right, title or
17 interest in said property, and any additional facts supporting the petitioner's claim
18 and the relief sought.

19 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c) and
20 before a hearing on the petition, discovery may be conducted in accordance with

1 the Federal Rules of Civil Procedure upon a showing that such discovery is
2 necessary or desirable to resolve factual issues.

3 The United States shall have clear title to the above-listed property following
4 the Court's disposition of all third-party interests, or, if none, following the
5 expiration of the period provided 21 U.S.C. § 853(n)(2), as incorporated by 18
6 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), for the filing of third party petitions.
7 Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order of
8 Forfeiture is final as to the Defendant at the time of sentencing, and is made part of
9 the sentence and included in the judgment.

10 The Court shall retain jurisdiction to enforce this Order, and to amend it as
11 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

12 IT IS SO ORDERED.

13 **DATED** August 31, 2015.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge